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SUBJECT: FLEMISH INTERIOR MINISTER'S REFUSAL TO CONFIRM
FRANCOPHONE MAYORS THREATENS INSTITUTIONAL TALKS

REF: BRUSSELS 1772

11. Summary: The Flemish Interior Minister's second refusal to confirm in office three francophone mayors who had violated Belgian language laws has put the just-relaunched institutional talks on structure of the Belgian state into question. Dismayed francophone politicians have asked the Flemish government as a whole to confirm the decision and may walk out of the talks if they are not satisfied with the response. The Interior Minister's decision was likely taken as a means of shoring up his Flemish Liberal (Open VLD) party's image among Flemish voters as regional elections approach in June 2009. The Council of Europe will consider whether to introduce monitoring of Belgian compliance with the European Charter of Local Self-Government at a session December 1-3. End Summary.

12. Marino Keulen (Open VLD), the Interior Minister for the Flemish Regional Government, announced on November 24 his decision not to confirm into office the three francophone mayors elected in the Flemish communes of Kraainem, Linkebeek and Wezembeek-Oppem on the perimeter of Brussels. The three mayors were elected by their communal councils in 2006 and the Flemish government has now refused twice to confirm them in office, the last time being in November 2007. The Flemish government contends that the mayors violated Flemish administrative rules when they sent notices of elections written in French to French-speaking voters. Those voters make up the majority of the residents of the towns involved, which are located in Flemish Brabant. Despite their lack of confirmation, the mayors have been acting ex officio in their capacities. Still, the Flemish government's refusal has been a continuing irritation in the process of reforming Belgium's institutions and in Flemish-francophone relations. Keulen's action threatens to derail the institutional talks which have just gotten underway with the naming of negotiators for the Flemish and francophone communities.

13. The mayors can appeal Keulen's decision to the Council of State's Flemish Chamber. But that Chamber is the same body that last year found that the administrative rules in question were "compatible" with the Federal laws on use of languages in administration. The mayors can also petition for confirmation to the Flemish government a third time, but they are unlikely to obtain any change of opinion. To stop this "carousel", as it has been dubbed in the press, Keulen could name his own caretaker mayors to the seats, who could be approved without a say by the francophone-dominated communal council.

14. The fate of the francophone mayors is scheduled to be discussed in the Congress of Local and Regional Authorities of the Council of Europe in Strasbourg the week of December

11. Council of Europe experts visited the three municipalities in May 2008 and sided with the mayors. They made a recommendation which calls for monitoring of the application of the European Charter of Local Self-Government

in Belgium, which the Institutional Committee of the Congress forwarded to the entire Congress for possible adoption. Keulen and the three mayors are expected to appear and debate before the Congress.

15. Keulen's announcement apparently took by surprise the Minister-President of Flanders, Kris Peeters (CD&V). Peeters had been working to try to get the institutional talks off to a good start, having named three prominent Flemish politicians as negotiators in October. He had intended to discuss the mayors' status at a cabinet meeting on November 26, where a compromise might have been considered. Keulen is believed to have acted so precipitously in order to reinforce his party's Flemish bona fides, which may have become suspect and engendered a certain loss of standing in the opinion polls. That opening has been exploited by the up and coming party of former VLD leader Jean-Marie De Decker (Lijst De Decker). The Open VLD has also been weakened by the problems that two of their federal ministers, Karel De Gucht (reftel) and Patrick Dewael have recently experienced.

16. The linguistic and institutional question has been pushed to the side recently by attention paid in the press and among the public to the economic crisis. There had been some hope that progress could be made while the institutional talks proceeded under the radar. Also, many politicians are reluctant to force the linguistic issue while the government must deal with serious financial problems. The francophone parties met on November 25 and formally asked Peeters to state whether the entire Flemish government endorses Keulen's decision. They said that Peeters' decision will determine the future of the institutional talks -- putting them essentially on hold until Peeters answers. At the same time,

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the francophone Socialist Party (PS) leader Elio Di Rupo and his CDH ally Joelle Milquet said they do not want to be trapped into starting "linguistic warfare" that would only benefit hardliners. They preferred at this point to blame liberals of all stripes (Open VLD and the francophone MR) for the dust-up over the mayors.

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